

# EXHIBIT D

**UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF NEW JERSEY**

**UNITED STATES OF AMERICA,** **CRIMINAL NUMBER:**  
**v.** **18-cr-00723-RBK**  
**ALIA AL HUNAITY,** **TRIAL VOLUME 3**  
**Defendant.**

Mitchell H. Cohen Building & U.S. Courthouse  
4th & Cooper Streets  
Camden, New Jersey 08101  
May 01, 2019  
Commencing at 9:00 a.m.

**B E F O R E:** **THE HONORABLE ROBERT B. KUGLER,**  
**UNITED STATES DISTRICT JUDGE**

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BENWELL - CONTINUED DIRECT - MACURDY

1 THE COURT: Get the jury out, please. Remind the  
2 witness he's still under oath. How are you doing today?

3 THE WITNESS: Good. Thank you.

4 (Special Agent Brad Benwell resumes the witness  
5 stand)

6 THE DEPUTY COURT CLERK: All rise.

7 (Jury enters the courtroom at 9:05 a.m.)

8 THE COURT: Well, let's all have a seat and we will  
9 continue and pick up where we left off. The witness is still  
10 under oath. You may proceed.

11 MR. MACURDY: Thank you, your Honor.

12 (BRAD BENWELL, HAVING BEEN PREVIOUSLY DULY SWORN AS A WITNESS  
13 TESTIFIED AS FOLLOWS:)

14 (CONTINUED DIRECT EXAMINATION OF AGENT BENWELL BY  
15 MR. MACURDY:)

16 Q. Good morning, Special Agent Benwell.

17 A. Good morning.

18 Q. Do you recall your testimony yesterday that the victim,  
19 Mary, was interviewed by agents prior to the search warrant  
20 being executed?

21 A. That's correct.

22 Q. And where did that interview or interviews take place?

23 A. Did you say where, or when?

24 Q. Where.

25 A. Where? They took place on Teel Plaza, at the defendant's

BENWELL - CONTINUED DIRECT - MACURDY

1 residence and Mary's residence.

2 MR. MACURDY: Miss Reed, can you bring up Exhibit 310  
3 in evidence? Publish it to the jury.

4 BY MR. MACURDY:

00:28 5 Q. Do you remember looking at Exhibit 310 yesterday?

6 A. Yes.

7 Q. That's a picture of Mary, right?

8 A. That's correct.

00:28 9 Q. Now, in preparation for your testimony today, did you go  
10 back and look at the original photograph that this copy came  
11 from?

12 A. Yes, I did look at the original photograph.

13 Q. Okay. And where did you see that original?

14 A. It was located on the phone of Special Agent Conyers.

00:29 15 Q. Was there a date stamp on the original photograph?

16 A. Yes. The date stamp was September 11, 2018.

17 Q. Was that the date of the search warrant?

18 A. No, the date of the search warrant was September 18,  
19 2018.

00:29 20 MR. MACURDY: Miss Reed, if we could now turn to what  
21 were discussing yesterday, Exhibit 200.1B in evidence?

22 And if you could go to PDF 19 of Exhibit 200.1B, lines  
23 335 to 337.

24 BY MR. MACURDY:

00:29 25 Q. Special Agent Benwell, could you read the first line, who

BENWELL - CONTINUED DIRECT - MACURDY

1 is that message from?

2 A. It's from Alia at the phone number 862-262-3677.

3 Q. What's the date on that line?

4 A. The date is June 21st, 2018.

00:30 5 Q. Okay. What's the content of the message?

6 A. Make Faisal hummus and falafel and boil one egg to him,  
7 put oil and lemon on hummus.

8 Q. Who's the next message from?

9 A. It's also from Alia.

00:30 10 Q. What's the text?

11 A. Heat the bread for him so he eat and give him tea.

12 Q. What's the next message, who's that from?

13 A. The next, the final message is from Mary to Alia. And  
14 the text is "okay."

00:30 15 MR. MACURDY: Miss Reed, could you pull up PDF 20,  
16 the lines 338 to 341?

17 BY MR. MACURDY:

18 Q. The first line, who's that from, Special Agent?

19 A. It's from Alia.

00:30 20 Q. What's the date?

21 A. The date is June 22, 2018.

22 Q. The text?

23 A. The text is make Alfredo with broccoli and some meat.

24 Q. The second line, who's that from?

00:31 25 A. From Alia.

BENWELL - CONTINUED DIRECT - MACURDY

1 Q. The text?

2 A. Not too much meat.

3 Q. Third line?

4 A. It's to Alia.

5 Q. Okay.

6 A. To Alia, okay.

7 Q. The fourth line?

8 A. Is from Alia. Or put whole bag of meat.

9 MR. MACURDY: Miss Reed, if you could pull up PDF 20,

10 lines 350 to 358 -- well, we'll start with 355.

11 BY MR. MACURDY:

12 Q. First line, line 350, is that incoming or outgoing?

13 A. It's to Alia.

14 Q. What's the date?

15 A. The date is June 26, 2018.

16 Q. And what's the text?

17 A. Alia call, I'll spell it, P-U-L-M-O-D-Y-M.

18 Q. The next line, who's that from?

19 A. That's from Alia. The text is send me phone number for

20 the antibiotic.

21 Q. Next line, who's that from?

22 A. From Alia, for the nurse to come tomorrow.

23 Q. Next line?

24 A. Is to Alia. I know, I know nurse coming tomorrow.

25 The next line is to Alia, with one.



BENWELL - CONTINUED DIRECT - MACURDY

1 Q. 355?

2 A. 355 is to Alia. Alia, meking rise, I'll spell it,

3 M-E-K-I-N-G, separate word rise.

4 MR. MACURDY: And line 356 to 358, Miss Reed.

5 BY MR. MACURDY:

6 Q. And line 356, who's that from?

7 A. That's from Alia.

8 Q. Go ahead.

9 A. The text is no rice.

10 Q. Next line?

11 A. From Alia, in the folder give me the phone number.

12 Q. The next line?

13 A. Is to Alia. The text is 800-522-3462.

14 MR. MACURDY: Miss Reed, could you pull up PDF 24 of

15 Exhibit 200.1B, lines 423 to 425?

16 BY MR. MACURDY:

17 Q. The first line, Special Agent?

18 A. The first line is from Alia, the date is September 12,

19 2018. The text is make Spanish with cube meat.

20 Q. Next line?

21 A. Is to Alia, one or two Spanish.

22 Q. The final line?

23 A. Is from Alia, two with meat cubes, not chicken.

24 Q. Thank you, Special Agent.

25 Special Agent Benwell, from the extraction report that

BENWELL - CONTINUED DIRECT - MACURDY

1 we talked about yesterday, Exhibit 200.1, was it also possible  
2 to view communications on applications besides just text  
3 messages?

4 A. Yes.

5 Q. And what is IMO, Special Agent Benwell?

6 A. IMO is a messaging app that allows its users to text and  
7 send video messages to other users regardless of where they  
8 are in the world.

9 Q. And were there communications via the IMO application on  
10 Mary's phone, Exhibit 200 for identification?

11 A. Yes, there were.

12 MR. MACURDY: Miss Reed, could you pull up  
13 Exhibit 200.1C for Special Agent Benwell to review?

14 (Brief pause)

15 BY MR. MACURDY:

16 Q. Special Agent Benwell, do you recognize this?

17 A. Yes.

18 Q. And what is this document, 200.1C?

19 A. It's taken from the extraction report from Mary's phone  
20 and it contains a list of text messages.

21 Q. Okay.

22 THE COURT: Any objection to this going into  
23 evidence?

24 MR. LISBOA: None, Judge.

25 THE COURT: All right. 200.1C is received. You may

BENWELL - CONTINUED DIRECT - MACURDY

1 display it.

2 (GOVERNMENT EXHIBIT 200.1C WAS RECEIVED IN EVIDENCE)

3 MR. MACURDY: All right. Miss Reed, could you just  
4 pull up on the bottom the number of pages of the document?

5 BY MR. MACURDY:

6 Q. Special Agent Benwell, how many pages is this document,  
7 200.1C?

8 A. It's 57 pages.

9 Q. And how many communications are in the document?

10 A. 340.

11 MR. MACURDY: Now, Miss Reed, could you pull up PDF 5  
12 of 200.1 C?

13 Could you enlarge the second, third, fourth and fifth  
14 communications?

15 BY MR. MACURDY:

16 Q. Special Agent Benwell, could you just read from the top  
17 those communications?

18 A. Would you like me to start with the number?

19 Q. Not the number, just the contents.

20 A. It says Mary. The next line is find my, I'll spell this  
21 word, H-A-W-E-Y-E-H, in the bag upstairs. Alia, it's no in  
22 there.

23 Q. Okay. And which side of the communication is outgoing  
24 from Mary's phone?

25 A. It's, hum, that would be the green text. The text on --

BENWELL - CONTINUED DIRECT - MACURDY

1 Q. Does any phone number appear on the green text?

2 A. No.

3 Q. Okay. Does a phone number appear on the blue text?

4 A. Yes, it does.

00:38 5 Q. Okay. And from the green side that's emanating from

6 Mary's phone, what's the name that's mentioned in that text?

7 A. Alia.

8 Q. Okay. And from the blue side that's incoming to Mary's

9 phone, what's the name that's mentioned in that text?

00:38 10 A. Mary.

11 Q. And what's the date on these texts, Special Agent

12 Benwell?

13 A. All of the texts are dated July 24, 2018.

14 Q. And now, from this document, 200.1C, this exhibit, the

00:38 15 majority of the communications are approximately what time

16 period?

17 A. Can you repeat that, please?

18 Q. The majority of the communications in this document,

19 Exhibit 200.1C, are they all around the same time period in

00:39 20 2018?

21 A. Yes, they are.

22 MR. MACURDY: Miss Reed, if you could pull up PDF 3

23 of Exhibit 200.1C?

24 BY MR. MACURDY:

00:39 25 Q. Special Agent Benwell, could you read those two messages

BENWELL - CONTINUED DIRECT - MACURDY

1 on the screen?

2 A. Take pictures of the mail and send it every day. Okay.

3 Q. What's the date?

4 A. The date for both messages is July 24, 2018.

00:39 5 MR. MACURDY: Miss Reed, if you could just take away  
6 the enlargement on that on that page, PDF 3, please. Bless  
7 you.

8 Miss Reed, could you enlarge the message that says okay  
9 in green and the two messages below that?

00:40 10 BY MR. MACURDY:

11 Q. Special Agent Benwell, do you see, underneath the message  
12 that reads okay, do you see a message that says sent photo?

13 A. Yes.

14 Q. And the word attachment?

00:40 15 A. Yes.

16 Q. In the extraction from Mary's phone, did actual  
17 photographs show up in those places in this record?

18 A. No, those photographs were not recovered during the  
19 extraction.

00:40 20 MR. MACURDY: Miss Reed, could you pull up PDF 6 of  
21 Exhibit 200.1C?

22 BY MR. MACURDY:

23 Q. Could you read this message in blue, Special Agent?

00:41 24 A. They will deliver stove and dishwasher between the hours  
25 of 3:00 p.m. and 7:00 p.m. tomorrow, 7/26/18.

BENWELL - CONTINUED DIRECT - MACURDY

1 Q. And what's the date on that message?

2 A. The date is July 25, 2018.

3 MR. MACURDY: Miss Reed, could you take us to the  
4 next page of that PDF?

5 BY MR. MACURDY:

6 Q. Could you read the next message in green, Special Agent?

7 A. She send me a message.

8 Q. So, again, green is outgoing.

9 A. Green is outgoing from Mary.

10 Q. Okay. And what's the next message in blue responding?

11 A. Where is the mail.

12 Q. Next message?

13 A. Did they come for gas.

14 Q. Next?

15 A. Take pictures.

16 Q. Response in green?

17 A. They coming now.

18 Q. The next message in blue?

19 A. Okay, get the mail and take pictures after they finish.

20 MR. MACURDY: Miss Reed, could you pull up PDF 8?

21 BY MR. MACURDY:

22 Q. What's the date on these messages, Special Agent?

23 A. They're dated July 26, 2018.

24 Q. And what's the text?

25 A. And the mail, send it every day. I need to see it.

BENWELL - CONTINUED DIRECT - MACURDY

1 MR. MACURDY: Miss Reed, could you please pull up

2 PDF 10?

3 BY MR. MACURDY:

4 Q. Could you read the first message in blue, Special Agent?

5 A. Mary, take clear pictures without light on them. I can't  
6 see, repeat the last two pictures.

7 Q. Date on that message?

8 A. July 27, 2018.

9 Q. And the next message?

10 A. The stove is Samsung?

11 Q. What's the response in green?

12 A. Yes. And okay.

13 MR. MACURDY: Miss Reed, could you pull up PDF 27?

14 BY MR. MACURDY:

15 Q. What are messages in blue -- what date are those messages  
16 on PDF 27, Special Agent?

17 A. All the messages are dated August 8, 2018.

18 Q. Could you read those three messages, please?

19 A. Mary, where is the mail. Why you don't send pictures.

20 MR. MACURDY: Miss Reed, could you pull up PDF 28?

21 BY MR. MACURDY:

22 Q. Special Agent, could you start on the left with the  
23 incoming messages in blue -- first, please read the date.

24 A. The date for all the messages in blue is August 8, 2018.

25 Q. And could you read the text of those messages?

BENWELL - CONTINUED DIRECT - MACURDY

1 A. Yes. Mary, why Mo is home. He comes always? Don't ask  
2 him for food. Ask Imad.

3 Q. The response in green?

4 A. I didn't ask food he bring me. No.

5 Q. Now, Special Agent Benwell, I neglected to ask you the  
6 phone number that's on the text in the blue. Is that a normal  
7 ten digit American phone number?

8 A. No, it isn't.

9 Q. Is that the, is that the phone number for the defendant  
10 that we've been discussing?

11 A. No, it's not.

12 Q. But in the green messages coming from Mary's phone,  
13 what's the name that Mary is referring to?

14 A. Alia.

15 MR. MACURDY: Miss Reed, could you please pull up  
16 PDF 29?

17 BY MR. MACURDY:

18 Q. What's the date of the first blue message on PDF 29,  
19 Special Agent?

20 A. August 9, 2018.

21 Q. And what's the text of that message?

22 A. Open PSEG.

23 Q. Response?

24 A. With one.

25 Q. Next message in blue?



BENWELL - CONTINUED DIRECT - MACURDY

1 A. First.

2 MR. MACURDY: Miss Reed, to the next page?

3 BY MR. MACURDY:

4 Q. The first message in blue on that page, Special Agent  
5 Benwell?

6 A. The date is August 9, 2018. And the text is get pictures  
7 for everything with phone number.

8 Q. Next message?

9 A. Why it is too high.

10 Q. Next?

11 A. Are you turning the air condition always?

12 Q. What's the response in green?

13 A. Just at night.

14 Q. And --

15 MR. MACURDY: Now, Miss Reed, pull up the three  
16 additional messages below that green response in blue.

17 BY MR. MACURDY:

18 Q. What's the next message in blue?

19 A. It is so high. When I am there it was 280. Now \$50  
20 more.

21 MR. MACURDY: The next messages in the chain,  
22 Miss Reed?

23 BY MR. MACURDY:

24 Q. Special Agent Benwell, if you could read from, this is  
25 from PDF 31, if you could read the next message in blue. So

BENWELL - CONTINUED DIRECT - MACURDY

1 the top message, now is it the same date as those messages,  
2 August 9, 2018?

3 A. Yes, August 9, 2018.

4 Q. What's the next message in blue?

5 A. Get pictures and turn the light and AC off.

6 Q. Then what's the response in green? Or what does the top  
7 of that message say?

8 A. There were two photos sent as attachments.

9 MR. MACURDY: Miss Reed, could you go to the bottom  
10 of that page, PDF 31?

11 BY MR. MACURDY:

12 Q. What's next response in blue?

13 A. Get more pictures of the back.

14 Q. What's the response in green?

15 A. Is another attachment.

16 MR. MACURDY: Miss Reed, could you pull up PDF 45?  
17 And again, this is all in Exhibit 200.1C, for the record.

18 BY MR. MACURDY:

19 Q. You see those messages in blue, Special Agent?

20 A. Yes.

21 Q. And what's the date on the first message?

22 A. August 20, 2018.

23 Q. And could you read that text?

24 A. Mary, before we come home, before we come, clean the  
25 house.

BENWELL - CONTINUED DIRECT - MACURDY

1 Q. Next message?

2 A. I mean everything, the freezer, and the kitchen cabinet  
3 in the bedroom, I'll spell the next word, K-A-Z-A-N-E-H, and  
4 my K-A-Z-A-N-E-H.

5 Q. Next message?

6 A. Clean and organize everything.

7 Q. Next message?

8 A. All the K-A-Z-A-N-E-H in kitchen and the small room we  
9 wash clothes.

10 MR. MACURDY: Miss Reed, could you please pull up  
11 PDF 50?

12 BY MR. MACURDY:

13 Q. What's the date on these blue messages, Special Agent?

14 A. August 26, 2018.

15 Q. What's the text of the first message?

16 A. All the letters when I come, put them in paper ware and  
17 put it on my seat in salon, all of them.

18 MR. MACURDY: Miss Reed, could you kindly pull up  
19 PDF 57?

20 BY MR. MACURDY:

21 Q. Special Agent Benwell, could you read -- first, what's  
22 the date of the first blue message incoming to Mary's phone on  
23 the screen?

24 A. September 7, 2018.

25 Q. And what is the text of that first message incoming to

—BENWELL - CROSS - LISBOA—

1 Mary's phone?

2 A. When you leave house turn off the lights. It is not free  
3 or you will see.

4 Q. What's the next message?

5 A. If I see this again, you will be in trouble.

6 MR. MACURDY: Miss Reed, could you pull up the next  
7 message in that exchange?

8 BY MR. MACURDY:

9 Q. What's the response in green, Special Agent Benwell?

10 A. Okay.

11 MR. MACURDY: No further questions, your Honor.

12 THE COURT: Cross examine.

13 (CROSS-EXAMINATION OF SPECIAL AGENT BENWELL BY MR. LISBOA:)

14 Q. Good morning, Agent.

15 A. Good morning, sir.

16 Q. Do I understand your testimony from yesterday, you became  
17 involved in this investigation specifically to execute a  
18 search warrant; is that right?

19 A. That's correct.

20 Q. Okay. So, that search warrant was executed on what date?

21 A. September 18, 2018.

22 Q. Okay. And I'm assuming that prior to the execution of  
23 that search warrant there was a meeting that was held; is that  
24 right?

25 A. That's correct.

—BENWELL - CROSS - LISBOA—

1 Q. And there were other agents from Homeland Security  
2 present during that meeting; is that right?

3 A. Yes.

4 Q. Okay. About how many agents were present at that  
5 meeting?

6 A. I can't say for sure.

7 Q. Well, was it more than --

8 A. Six to eight --

9 Q. Okay. About six to eight --

10 A. -- possibly.

11 Q. -- other agents; is that right?

12 A. Yes.

13 Q. And you knew who they were?

14 A. Yes.

15 Q. You'd worked with them before?

16 A. Yes.

17 Q. Okay. And part of that briefing is to try to figure out  
18 a plan of action; is that right?

19 A. Yes.

20 Q. Meaning information about who you may be looking for; is  
21 that right?

22 A. Yes.

23 Q. What you may be looking for; is that right?

24 A. Correct.

25 Q. You may want to look at pictures or gather information

—BENWELL - CROSS - LISBOA—

1 about the location in terms of it has one door, three doors;  
2 is that right?

3 A. By the time we had our briefing, that information was  
4 pretty much already known to us.

00:51 5 Q. But you agree that that's important information to have;  
6 is that right?

7 A. Yes.

8 Q. Make sure somebody doesn't run out the back door and you  
9 didn't know there was a back door; is that right?

00:51 10 A. Correct.

11 Q. Try to figure out how many people may be in the house?

12 A. Yes.

13 Q. Was there any weapons?

14 A. Yes.

00:51 15 Q. Security cameras?

16 A. Yes.

17 Q. Special locks on the door?

18 A. Yes.

19 Q. Okay. Because you may need a battering ram or a saw or  
00:51 20 something like that; is that right?

21 A. Yes.

22 Q. Okay. So, based on your understanding of this  
23 investigation, you were aware that there was a search warrant,  
24 okay? Is that right?

00:51 25 A. That's correct.

—BENWELL - CROSS - LISBOA—

1 Q. Do you know who applied for that search warrant?

2 A. Special Agent Conyers.

3 Q. Okay. And your understanding of this investigation was  
4 that on September 11th of 2018, Agent Conyers had already gone  
5 to this particular location; is that right?

6 A. I was aware that he had interviewed Mary. I didn't know  
7 all of the details --

8 Q. Okay.

9 A. -- as to where it took place or when it took place.

10 Q. Okay. And just so I understand correctly, so seven days  
11 goes by from the time that Agent Conyers had spoken to Mary  
12 until the time that the warrant is executed; is that right?

13 A. That's correct.

14 Q. Okay. Now, let me ask you this. If you know, okay? At  
15 the point that Agent Conyers had spoken to Mary, okay, do you  
16 know where that -- you don't know where that was?

17 A. I, I don't know. I believe it was at Mary's residence at  
18 Teel Plaza in Secaucus.

19 Q. Okay. And with regard to that, and I'm not asking you  
20 for any hearsay, to say what anybody else said, but was it  
21 your understanding that after the conversation that Agent  
22 Conyers had with Mary, that Mary now was cooperating with the  
23 Government?

24 A. I don't know if I can answer that.

25 Q. Well, was it your understanding that Mary was instructed

—BENWELL - CROSS - LISBOA—

1 not to say anything to Alia?

2 A. I didn't discuss the interview with Agent Conyers.

3 Q. Was it your understanding that Mary was told not to  
4 discuss anything with the children?

5 A. I'm not aware of, of Agent Conyers' discussion with Mary.

6 Q. Okay. So, you had no understanding as to whether or not  
7 Agent Conyers had instructed Mary to make sure she would be in  
8 the house that week, or that day, on September the 18th, 2019  
9 [sic] at the time of this particular raid; is that right?

10 MR. MACURDY: Objection, your Honor, asked and  
11 answered.

12 THE COURT: Pardon?

13 MR. MACURDY: Asked and answered, your Honor.

14 THE COURT: I'll let him ask one more time.

15 THE WITNESS: I don't know if on September 11th we  
16 knew when we would be executing, or what instructions he gave  
17 her.

18 BY MR. LISBOA:

19 Q. Okay. But your understanding of this investigation was  
20 to investigate someone that was being held against their will;  
21 is that right?

22 A. That's correct.

23 Q. Okay. So, September 11, 2018, do you remember what day  
24 of the week that was?

25 A. No, I don't remember.



—BENWELL - CROSS - LISBOA—

1 Q. Okay. On September the 12th, 2018, okay, did you or any  
2 member of your staff ask or consult with Agent Conyers  
3 who's -- is this Agent Conyers?

4 A. Yes.

00:54 5 Q. Okay. And now I'm pointing to the gentleman who's seated  
6 at the table farthest back in the right of the courtroom, he  
7 has a blue suit on today; is that right?

8 A. Correct.

00:54 9 Q. Did you consult with him about if Mary was being held  
10 against her will on September 11th, okay, why it was that  
11 there was no rescue attempt on the September 11th date if  
12 she's being held? Any conversation about that?

13 A. It was my understanding that there was no indication that  
14 her life was in imminent danger.

00:55 15 Q. Okay. What about on the 12th, any discussion about,  
16 Agent Conyers, she's being held against her will, maybe we  
17 shouldn't leave her in this horrible -- any discussion about  
18 we need to do a rescue on the 12th, anything about that?

19 A. No.

00:55 20 Q. How about the 13th?

21 A. No.

22 Q. The 14th?

23 A. No, sir.

24 Q. The 15th?

00:55 25 A. No.

BENWELL - CROSS - LISBOA

1 Q. The 16th?

2 A. No.

3 Q. The 17th?

4 A. No.

00:55 5 Q. So then on the 18th, you and the other agents -- was this  
6 a rescue, would you call this a rescue?

7 A. I think you could call it that.

8 Q. Okay. So you left her, or rather Agent Conyers left her  
9 in this, this condition for at least another week; is that

00:55 10 right?

11 A. That's correct.

12 Q. Okay. But your impression is that her life was not in  
13 danger; is that right?

00:56 14 A. Her life was not in -- there wasn't an imminent threat to  
15 her life.

16 Q. Okay. So when you saw Mary on the 18th, okay, was it  
17 your impression that she looked famished or dehydrated,  
18 anything like that?

19 A. No.

00:56 20 Q. How about teeth falling out, bleeding from the gums,  
21 anything like that?

22 A. I didn't notice anything like that.

23 Q. Did you see if she was bruised, broken bones, limping,  
24 anything like that?

00:56 25 A. I didn't examine her for bruises, she didn't appear to be

—BENWELL - CROSS - LISBOA—

1 limping.

2 Q. Okay. Did you call an ambulance? There's a hospital, is  
3 that right, right down the street from -- actually across from  
4 the complex; is that right?

5 A. No, we did not call an ambulance.

6 Q. The Government has shown a series of photographs to you.

7 MR. LISBOA: If I can ask Miss Reed to possibly  
8 assist me. I have certain numbers.

9 First if I could ask Miss Reed to please publish 302.3  
10 again.

11 (Brief pause)

12 BY MR. LISBOA:

13 Q. Okay, Agent, you see that exhibit in front of you?

14 A. Yes.

15 Q. Okay. What's the relevancy of this picture?

16 A. That's the defendant's vehicle located in a covered  
17 garage at her development.

18 Q. Okay. And this picture is relevant why?

19 MR. MACURDY: Objection, your Honor. Calls for a  
20 legal conclusion.

21 THE COURT: Well, you didn't take the picture,  
22 correct?

23 THE WITNESS: Correct.

24 THE COURT: Do you know why that particular picture  
25 was taken?

—BENWELL - CROSS - LISBOA—

1 THE WITNESS: It was to show evidence that the  
2 defendant lived at the residence where we were about to  
3 perform the search warrant.

4 BY MR. LISBOA:

00:58 5 Q. Okay. Well, can you tell us who this car is registered  
6 to?

7 A. No, I can't.

8 Q. It has a license plate; is that right?

9 A. That's correct.

00:58 10 Q. Would you agree that it's a 2010 or 2011?

11 A. I couldn't answer what year that model was.

12 Q. Do you know how many miles are on that particular  
13 vehicle?

14 A. No, I don't.

00:58 15 Q. If it's owned, leased?

16 A. No, I don't.

17 Q. And again, you didn't take this picture; is that right?

18 A. That's correct.

19 Q. And you don't know why it was taken?

00:58 20 A. It was taken to show proof that the defendant lived at  
21 the residence.

22 Q. But you don't know who the car is registered, you don't  
23 know any of that information; is that right?

24 A. I never ran any motor vehicle queries myself on the

00:58 25 vehicle, so I don't know exactly the year, the VIN number, or

—BENWELL - CROSS - LISBOA—

1 the registrant.

2 MR. LISBOA: Miss Reed, if I could ask you to publish  
3 once again government Exhibit 302.4?

4 BY MR. LISBOA:

00:59 5 Q. Agent, I ask you to take a look at 302.4, Government's  
6 exhibit. And that's, I guess, is that the rear of the  
7 complex, or the front of the complex? How would you describe  
8 that?

9 A. I can't say from looking at it if that's, if that would  
00:59 10 be considered the front or the rear.

11 Q. Okay. Would you agree there's two cars parked under  
12 there, underneath that parking area?

13 A. Yes.

14 Q. The other car that's there, who does that car belong to?

01:00 15 A. I don't know.

16 Q. Did you run the plate on that car?

17 A. No, I didn't.

18 MR. LISBOA: If I could ask Miss Reed to publish  
19 again once again 307.38?

01:00 20 BY MR. LISBOA:

21 Q. Agent, I ask you to take a look at 307.38, okay, and that  
22 appears to be a picture of one of the bathrooms; is that  
23 right?

24 A. That's correct.

01:01 25 Q. Do you know which bathroom this is, whether it was on the

—BENWELL - CROSS - LISBOA—

1 first level, second level?

2 A. It was from -- it's on the second floor, it was the  
3 master bathroom connected to the master bedroom.

4 Q. Okay. Now, was there any other angle of the sink taken  
5 at any point during this investigation?

6 A. I don't know. I never saw another angle of the sink.

7 Q. Okay. So, could you tell us how many toothbrushes were  
8 actually in that bathroom?

9 A. I can only say that there was at least one toothbrush.

10 Q. Okay. And you didn't take a picture of the other side of  
11 the sink; is that right?

12 A. I don't believe so, I don't recall seeing a photo taken  
13 of the other angle.

14 Q. All right. So do you know if there was any other  
15 toothbrushes on the other side of the sink?

16 A. No, I don't.

17 Q. Okay. Did you tag this particular toothbrush into  
18 evidence?

19 A. No.

20 Q. How about any of the other toothbrushes that you may have  
21 found, did you tag any of those into evidence?

22 A. No.

23 Q. Did you do a count of how many toothbrushes were found or  
24 seen or observed?

25 A. No. We didn't do a count of the toothbrushes.

—BENWELL - CROSS - LISBOA—

1 MR. LISBOA: Miss Reed, if I could ask you kindly to  
2 publish 307.49?

3 BY MR. LISBOA:

4 Q. Agent, I ask you to take a look at 307.49. And you  
5 testified yesterday that your understanding was that this was  
6 Mary's closet; is that right?

7 A. That's correct.

8 Q. It has clothing in it; is that right?

9 A. Correct.

10 Q. Okay. And again, did you know what the size of any of  
11 this clothing was?

12 A. No. I don't recall checking the size of the clothing.

13 Q. Did you seize any of the clothing?

14 A. No.

15 Q. Did you look at the brand names, maybe?

16 A. I don't recall the brand names.

17 Q. Was there any clothing that still had the tags on it,  
18 like brand new clothing?

19 A. I don't recall.

20 Q. Okay. But in this picture, you can agree there's a  
21 series of drawers, looks like they pull out --

22 A. Yes.

23 Q. -- at the bottom?

24 A. Yes.

25 Q. Okay. And one of the drawers, the top drawer you opened

—BENWELL - CROSS - LISBOA—

1 was 307.50; is that right?

2 MR. LISBOA: And, Miss Reed, if I could ask you to  
3 please publish 307.50?

4 BY MR. LISBOA:

01:04 5 Q. Agent, taking a look at 307.50, this appears to be I  
6 guess the top drawer of Mary's closet; is that right?

7 A. Yes, I believe so.

8 Q. Okay. Did you happen to note the brand of the purse?

9 A. No, I didn't.

01:04 10 Q. Okay. Was it a high end purse, was it a knockoff,  
11 anything particularly that you noted about this purse?

12 A. I don't recall anything about that purse.

13 Q. Okay. And again, it was a document that was recovered in  
14 there; is that right?

01:04 15 A. Yes.

16 Q. And that's depicted. There's also, was it a green  
17 journal or note type book?

18 A. Yes.

19 Q. Okay. There was also some jewelry in there; is that  
01:04 20 right?

21 A. I believe so.

22 Q. Okay.

23 MR. LISBOA: If I could ask Miss Reed to publish  
24 307.51?

01:05 25 BY MR. LISBOA:



—BENWELL - CROSS - LISBOA—

1 Q. Take a look at that photo, Agent. Again, more women's  
2 clothing; is that right?

3 A. Correct.

4 Q. Did not take a look at the sizes on this?

5 A. No.

6 Q. Can we agree there's at least one new, looks like  
7 T.J. Maxx label?

8 A. I can see the T.J. Maxx label.

9 Q. Okay.

10 MR. LISBOA: Miss Reed, if I could ask you to publish  
11 307.52?

12 BY MR. LISBOA:

13 Q. Now, Agent, taking a look at 307.52, can we agree there's  
14 shoes in that particular photo?

15 A. Yes, there are shoes there.

16 Q. Okay. Looks like some high heels?

17 A. Yes.

18 Q. Did you get the size of those?

19 A. I did not get the size of those.

20 Q. Figure out if any of them are new? Appear to be old?

21 A. I couldn't tell you how many were new and how many were  
22 old.

23 Q. Okay. And there was also another photograph, I forget  
24 the marking, but it had, I think it was a trophy in it?

25 MR. LISBOA: I think it's 307.63, Miss Reed, if you

—BENWELL - CROSS - LISBOA—

1 could help me out with that?

2 BY MR. LISBOA:

3 Q. I guess that's as close as it's going to go. Where did  
4 you find these, the content of these items?

5 A. These were in the cabinet, located in -- the white  
6 cabinet located in the boys' bedroom.

7 Q. Okay.

8 MR. LISBOA: And Miss Reed, I don't know if it's  
9 possible, could you zoom in on the trophy, the top left,  
10 307.63?

11 BY MR. LISBOA:

12 Q. Okay. And could you read that for us, Agent? I know  
13 it's upside down.

14 A. Woodland Park Police, Community Policing, Barbecue, BBQ,  
15 2017, I believe.

16 Q. Just so I understand correctly, you found a trophy from,  
17 which appears to be from the Woodland Park Police Department;  
18 is that right?

19 A. It's a trophy that says Woodland Park Police on it, I  
20 don't know where it came from.

21 Q. Well, you are an Agent with Homeland Security; is that  
22 right?

23 A. Correct.

24 Q. You do have access at least to a computer; is that right?

25 A. Yes.

—BENWELL - CROSS - LISBOA—

1 Q. You can Google; is that right?

2 A. Yes.

3 Q. Okay. You can find the Woodland Park Police Department's  
4 phone number; is that right?

5 A. Yes, I could.

6 Q. Okay. Did you ever call the Woodland Park Police  
7 Department and ask them how it was, or under what  
8 circumstances that Mary was either presented with or may have  
9 a trophy from their police department?

10 A. I never contacted the Woodland Park Police Department  
11 over the trophy.

12 Q. Okay. Have Agent Conyers or the prosecutors in this  
13 particular case shown you any photos which may or may not have  
14 been from the event where this trophy was handed out?

15 A. I've never seen any photos.

16 Q. Okay.

17 A. I haven't seen any photos concerning the Woodland Park  
18 Police barbecue.

19 Q. Okay.

20 MR. LISBOA: Miss Reed, if you could just unzoom  
21 that. Thank you.

22 BY MR. LISBOA:

23 Q. Now, there's also some cash depicted at the center of  
24 that photograph; is that right?

25 A. That's correct.

—BENWELL - CROSS - LISBOA—

1 Q. Okay. Did you seize that money?

2 A. I believe the money was seized.

3 Q. Okay. And according to that picture, it looks like there  
4 was what, \$160?

01:09 5 A. It appears to be 160.

6 Q. Okay. Do you know when -- if Mary was frisked during the  
7 raid?

8 A. I don't recall, I don't recall seeing her frisked.

9 Q. Okay. But at a certain point, Mary was allowed to leave  
01:09 10 this house; is that right?

11 A. Yes.

12 Q. Okay. And did any police, law enforcement agents escort  
13 her and the children to the bus stop?

14 A. Yeah, I believe two agents escorted her and the children  
01:09 15 to the bus stop.

16 Q. Okay. But to your knowledge, do you know if they frisked  
17 her to see if she might have had something else in her  
18 pockets, or...

19 A. I didn't see anyone pat her down.

01:09 20 Q. Okay. So, just so I understand, you wouldn't be able to  
21 testify whether she had any additional cash in her pockets or  
22 wallet or anything else when she left?

23 A. I wouldn't be able to answer that.

24 Q. And let me get this straight. To your understanding,  
01:10 25 Mary had already spoken to Agent Conyers; is that right?

—BENWELL - CROSS - LISBOA—

1 A. Yes.

2 Q. Okay. And you don't know whether she was told to say  
3 something to Alia or not say something to Alia?

4 A. I didn't discuss the details of the interview with him.

01:10 5 Q. Okay. So, you wouldn't know if Mary perhaps had advance  
6 knowledge that Agent Conyers and maybe you and some other  
7 agents would be coming back later on that week; is that right?

8 A. I don't know the conversation that took place. It's  
9 possible that she knew that something was on the horizon.

01:10 10 Q. Okay. And at any point were you concerned that Mary, who  
11 may be cooperating at this point -- sounds like she was  
12 cooperating; is that right? She was told to keep quiet and be  
13 at the location, if that happened?

01:11 14 MR. MACURDY: Judge, asked and answered. He already  
15 said that he didn't discuss that conversation with Agent  
16 Conyers.

17 THE COURT: I believe he's indicated he didn't have  
18 that kind of a conversation.

19 MR. LISBOA: Judge, I'll withdraw that question.

01:11 20 THE COURT: Thank you.

21 BY MR. LISBOA:

01:11 22 Q. Based upon your understanding of the investigation, did  
23 you have any discussion with Agent Conyers or any other agents  
24 that perhaps that would give Mary the opportunity to maybe  
25 plan or remove things or put things in certain places?

—BENWELL - CROSS - LISBOA—

1 A. Did I have a discussion?

2 Q. Did you have a discussion about that?

3 A. If, did I discuss with other people in my group if Mary  
4 would have the opportunity to remove stuff?

01:11 5 Q. Or put stuff in there? I'm just asking.

6 A. I'm just trying to understand the question. No, I did  
7 not have that conversation.

8 Q. Okay. Did you ever work a narcotic case?

9 A. Yes.

01:12 10 Q. Did you ever use a confidential informant to go purchase  
11 drugs?

12 A. Yes.

13 Q. Okay. If you know, when you did this, was it common  
14 practice to pat frisk the confidential informant when they  
01:12 15 went into the house to buy drugs, and then search them when  
16 they came out?

17 A. Yes.

18 Q. Okay. And that was to make sure that the confidential  
19 informant didn't really bring drugs into the house and then  
01:12 20 bring them back out again and say they claim that those drugs  
21 came from Alia's house; is that right?

22 A. That's correct.

23 Q. Anything done that like that here to maintain the  
24 integrity of the investigation?

01:12 25 A. I don't know.

—BENWELL - CROSS - LISBOA—

1 Q. Okay.

2 A. I didn't see her patted down while we were there or  
3 before we were there. So I can't answer that question.

4 Q. Any female agents that were present?

5 A. Yes.

6 Q. Do you know who?

7 A. I believe there were two female agents present.

8 Q. Okay. Agent, you testified yesterday that when you're  
9 doing this search, your focus is to find I guess items of  
10 evidence which may be relevant to your investigation; is that  
11 right?

12 A. That's correct.

13 Q. And in this particular case, you're investigating  
14 essentially three alleged offenses; is that right?

15 A. Yes.

16 Q. Okay. One of them being utilizing a marriage to somehow  
17 convince Immigration, or to defraud, do something fraudulent  
18 with regards to Immigration; is that right?

19 A. Yes.

20 Q. Second one being harboring an illegal alien; is that  
21 right?

22 A. That's correct.

23 Q. And then finally, obtaining labor; is that right?

24 A. Yes.

25 Q. By force or coercion?

—BENWELL - CROSS - LISBOA—

1 A. Yes.

2 Q. Okay. During the entire search, okay, of this house, did  
3 you find any paperwork, okay, that one would commonly fill out  
4 to apply for some sort of change of their immigration status  
5 with the United States Government?

6 A. I don't recall seeing any applications for USCIS, if  
7 that's what you were asking.

8 Q. Meaning that if someone were to apply, for example, for  
9 citizenship or apply for a green card, you have to fill out  
10 pretty lengthy forms; is that right?

11 A. Correct.

12 Q. Okay. Did you find any of those forms anywhere in the  
13 house when you searched the house?

14 A. I, I did not find any forms specifically for U.S.  
15 Immigration benefits.

16 Q. Okay. And currently you work for Immigration as like a  
17 portion of Homeland Security?

18 A. Yes. I work for Immigration and Customs Enforcement.

19 Q. Okay. So, I don't want to assume, but is there some sort  
20 of a file tracking system or database where if someone were to  
21 file an application such as that that you would have, you  
22 would have access to it?

23 A. There would be a database if someone had a pending  
24 application.

25 Q. Okay. To your knowledge, was there any pending



—BENWELL - CROSS - LISBOA—

1 application for any type of green card, temporary status, any  
2 type of citizenship application ever filed by Mary at any  
3 point during this investigation? During the time period of  
4 your investigation?

01:16 5 A. Not to my knowledge.

6 Q. Okay. Had she ever filed, Mary that is, any application  
7 between the relevant time periods that the Government is  
8 alleging certain things had happened in this case?

9 A. Not that I know of.

01:16 10 Q. Okay. Now, at a certain point you did find a marriage  
11 certificate; is that right?

12 A. Yes.

13 Q. Which appears to be a real marriage certificate; is that  
14 right?

01:16 15 A. Yes.

16 Q. From the Town of Secaucus?

17 A. Yes.

18 Q. Mayor apparently did the ceremony?

19 A. I don't know who did the ceremony.

01:16 20 Q. Okay. When you saw that marriage certificate, was that  
21 the first time that you had seen it?

22 A. Yes.

23 Q. All right. Has that marriage certificate ever been  
24 submitted, either by mail, in person, e-mail, fax, to

01:16 25 Immigration Services for any purpose?

—BENWELL - CROSS - LISBOA—

1 A. I don't know. And if it was, I wouldn't have seen it, I  
2 wouldn't have adjudicated it or processed the application.

3 Q. But your understanding is that there was never an  
4 application by Mary to ICE, Immigration Services or anything  
5 at all; is that right?

6 A. I don't know of any application that she filed with  
7 Immigration.

8 Q. Okay. Well, let me ask you this, you looked at the phone  
9 downloads; is that right?

10 A. Yes.

11 Q. And the phone, when you download the phone you get  
12 contacts; is that right?

13 A. Yes.

14 Q. You can also obtain what apps are on the phone; is that  
15 right?

16 A. That's correct.

17 Q. Okay. Whatever Google searches there were; is that  
18 right? Or, you know, whatever, Yahoo, whatever search engine  
19 one uses; is that right?

20 A. I'm not sure if Google searches would, would come up on  
21 the specific software that we used.

22 Q. Okay. But you can find the web history; is that right?

23 A. I, I don't know for sure. I believe so but I, I don't  
24 know a hundred percent if that's correct.

25 Q. Okay. You're testifying, you testified yesterday about

—BENWELL - CROSS - LISBOA—

1 the actual extraction of the phone; is that right?

2 A. Yes.

3 Q. Okay. And is this the first time you've ever testified  
4 about a phone extraction?

5 A. Yes.

6 Q. Okay. Have you seen phone extractions prior to this  
7 case?

8 A. Yes, I have.

9 Q. Okay. Have you seen phone extractions where there are  
10 extractions of web search data?

11 A. Yes, I have.

12 Q. Okay. In this particular case, have you seen it?

13 A. In this particular case, I have not seen web history.

14 Q. Okay. So you wouldn't be able to testify whether or not  
15 Mary ever in the entirety of the history of that phone ever  
16 even Googled or went on to the Immigration Enforcement's  
17 website; is that right?

18 A. That's right.

19 Q. Okay. Now, with regard to the cell phone, you  
20 testified -- well, let me ask you this. There was a  
21 photograph of Mary which was shown you, or the prosecution had  
22 shown you yesterday, and you clarified now that that picture  
23 was actually not taken on the 18th, it was taken back on  
24 September 11th; is that right?

25 A. That's correct.

—BENWELL - CROSS - LISBOA—

1 Q. Okay. And you looked at -- when did you, how did you  
2 realize that?

3 A. I looked at the original photograph, the original digital  
4 photo --

5 Q. Okay.

6 A. -- on the phone, and it had a date stamp.

7 Q. Okay. Who showed you that?

8 A. Agent Conyers.

9 Q. Okay. So he pulled out his phone and showed it to you,  
10 or was there a download of it?

11 A. He showed me the photo on his phone.

12 Q. Okay. And so, did you look at -- how did you know the  
13 date and time and all that information?

14 A. Because the photo had a date stamp on it.

15 Q. Okay. And would you agree that that's called metadata?

16 A. Yes.

17 Q. Okay. Meaning that if you have a phone enabled, it will  
18 take the date, the time; is that right?

19 A. That's correct.

20 Q. And that metadata will be attached to the photograph; is  
21 that right?

22 A. Yes.

23 Q. Including the location; isn't that right?

24 A. Yes.

25 Q. Okay. Now, with regard to the download of Mary's phone,

—BENWELL - CROSS - LISBOA—

1 okay? Would you agree that one of the things that was  
2 downloaded was the locations of where that phone was used?

3 A. That -- the extraction would capture some images and  
4 photos which may contain metadata.

01:21 5 Q. Okay. Now, if I were to send my wife a text right now,  
6 or call my wife, right, would you agree that the phone would  
7 actually store the cell site, meaning the antenna that this  
8 phone is connecting to, did you see that data in this case?

01:21 9 A. I did not look at that data in this case, the location  
10 data, if that's what you're referring to.

11 Q. Okay. Would you agree that if you wanted to prove or  
12 disprove whether a person actually was going to different  
13 locations that that type of data, that type of metadata would  
14 be very, very important to look at, would you agree?

01:21 15 A. I would agree.

16 Q. Okay. Was there any analysis, to your knowledge, done  
17 with regard to the metadata from the phone as to either the  
18 cell site locations where a particular text may have been sent  
19 from or phone call sent from, or the metadata from any of the  
01:22 20 photographs? Was any of that analyzed by any type of person  
21 who has expertise in that?

22 A. I don't know of any metadata or location analysis of the  
23 photographs or the texts on the phone.

01:22 24 Q. Okay. You testified that there was additional apps on  
25 the phone; is that right?

BENWELL - CROSS - LISBOA

1 A. Yes.

2 Q. And one of them you testified was a texting type app,  
3 right?

4 A. Yes.

5 Q. And we saw those text messages?

6 A. Yes.

7 Q. I think you called it I-M-O?

8 A. I-M-O, IMO.

9 Q. Did Mary's phone also have WhatsApp?

10 A. Yes. I believe so.

11 Q. Okay. Did you recover any WhatsApp messages?

12 A. I don't know if the tool extracted all of the WhatsApp  
13 data, or how much data.

14 Q. There's another app, correct me if I'm wrong, on the  
15 phone, Pokemon Go?

16 A. I'm not familiar with that app.

17 Q. Okay. So if I ask you if that was a, if you knew or any  
18 research that that app was part of, if you go outside and find  
19 different PokeStops, one might have been the bridge, the park,  
20 you wouldn't...

21 A. Yeah, now that you mention, now that you describe it,  
22 I've heard of it but I don't know if that was on Mary's phone.

23 Q. Okay. But again, if that's in the extraction, you  
24 wouldn't dispute that; is that right?

25 A. Yes, if it's in the extraction, I would have no ground to

—BENWELL - CROSS - LISBOA—

1 dispute that.

2 MR. LISBOA: Okay. I would like to ask Ms. Reed  
3 to -- it's 200.1A contents.

4 BY MR. LISBOA:

01:24 5 Q. Agent, I'm showing you what the government has marked and  
6 moved into evidence as 200.1A. Do you see that?

7 A. Yes.

8 Q. Okay. And can we agree that when you reviewed this  
9 particular report, that this report had I guess it was 61  
01:24 10 contents?

11 A. I believe it was 61.

12 Q. Okay.

13 MR. LISBOA: And, Ms. Reed, if I could just ask you  
14 to zoom in to the top portion, I guess, from 1 to 6 on top.

01:25 15 BY MR. LISBOA:

16 Q. All right. Agent, take a look at that section of this  
17 document. The columns list a number, I guess the actual --  
18 what number that contact is in the particular, I guess, index;  
19 is that right?

01:25 20 A. Yes.

21 Q. And the next one over is the time stamp; is that right?

22 A. That's correct.

23 Q. And, also, if you look under where it lists the time  
24 stamp, it will say number of times contacted; is that right?

01:25 25 A. Yes.

—BENWELL - CROSS - LISBOA—

1 Q. And the next is set of entries, addresses, notes and then  
2 whether or not it was deleted; is that right?

3 A. That's correct.

4 Q. Okay. Now, I ask you to take a look at 3, for example.

5 Do you see that?

6 A. Yes.

7 Q. And in the name slot, there is a number; is that right?

8 A. Yes.

9 Q. And there is a phone number mobile and a number next to  
10 that one?

11 A. Yes.

12 Q. Okay. Is that a foreign number, meaning outside of the  
13 United States?

14 A. It doesn't appear to be a standard 10-digit U.S. number,  
15 so I don't know if it's a foreign number.

16 Q. Okay. When you called that number, who picked up?

17 A. I did not call that number.

18 MR. LISBOA: Okay. Ms. Reed, if I could ask you to  
19 show, I guess, 7 to 10.

20 BY MR. LISBOA:

21 Q. Okay. And then here, this shows I guess two individuals'  
22 phone numbers. One, Ahmad; is that right?

23 A. That's correct.

24 Q. Okay. One, Aida?

25 A. Yes.



—BENWELL - CROSS - LISBOA—

1 Q. And both of those individuals, there are different phone  
2 numbers listed in the phone column; is that right?

3 A. Yes, that's right.

4 Q. Did you call those phone numbers?

5 A. I did not call those numbers.

6 MR. LISBOA: Okay. Ms. Reed, if we could, the  
7 balance of the page.

8 BY MR. LISBOA:

9 Q. Okay. And we have individuals there listed, Amalen at  
10 14, Amalen at 15, Ansam at 16, DK at 17, 18 as Dalia. Did you  
11 call any of those numbers?

12 A. I didn't call any of those numbers.

13 MR. LISBOA: And, Ms. Reed, if I could ask you to turn  
14 to Page 2 of 200.1A. And, if I could ask you just to scroll  
15 down to and enlarge 32 and 33.

16 BY MR. LISBOA:

17 Q. Okay. We have a contact there listed, Mama. Did you  
18 call Mama?

19 A. No, I did not.

20 Q. So, if I were to ask you the same questions about 1  
21 through 61 of the contacts, safe to say you didn't call any of  
22 those numbers; is that right?

23 A. No, I didn't call any of those numbers.

24 Q. So you don't know if they're friends, family?

25 A. No, I don't.

—BENWELL - CROSS - LISBOA—

1 Q. Okay.

2 MR. LISBOA: Ms. Reed, if I could ask you to pull up  
3 Government's Exhibit 200.1B. And, specifically, Page 23 at  
4 Lines 404 to 406.

5 BY MR. LISBOA:

6 Q. Okay. Agent, if I could ask you to read 404 to 406 for  
7 us, and explain who is texting who.

8 A. Okay. The first is to Alia on July 16th, 2018. The text  
9 is: "Coll the pharmacy."

10 The next line is to Alia, July 16th, 2018: "Coll the  
11 embassy of Sri Lanka."

12 406 is also to Alia on July 16th, 2018: "Alia, call  
13 the everything."

14 Q. So, just so I understand correctly, with these text  
15 messages, it appears that Mary is ordering Alia to do various  
16 things; is that right?

17 A. She's asking Alia to call the pharmacy and the embassy.

18 Q. Okay. Of Sri Lanka?

19 A. Yes.

20 Q. Do you even know if Alia even knows how to speak the  
21 language of Sri Lanka?

22 A. She has a Sri Lankan passport.

23 Q. Well, I'm saying Alia.

24 A. Oh, I'm sorry. You're correct. I don't know.

25 Q. Now, one of the parts of the extraction has what's called

—BENWELL - CROSS - LISBOA—

1 a timeline. Would you agree?

2 A. Yes.

3 Q. Okay. And the timeline actually has the timeline of  
4 everything that happens on that phone, whether you send a text  
5 message, phone call. Would you agree with that?

6 A. Yes.

7 (Speaking off the record to Ms. Reed.)

8 BY MR. LISBOA:

9 Q. All right. Agent, I'm going to ask you to take a look at  
10 what I have marked as D-252, just ask you to take a look at  
11 that.

12 THE COURT: You are going to seek to admit this into  
13 evidence?

14 MR. LISBOA: No, Judge, this is just for  
15 identification purposes.

16 THE COURT: Okay.

17 BY MR. LISBOA:

18 Q. Take a look at that. I will zoom in for you.

19 Would you agree that this timeline shows, for example,  
20 if the phone call is made at a particular time; is that right?

21 A. Yes.

22 Q. Or a particular date?

23 A. Yes.

24 Q. Okay. I want to show you an excerpt from the timeline,  
25 specifically, it's going to be Pages 1833, 1834, and 1835.

—BENWELL - CROSS - LISBOA—

1 MR. MACURDY: Your Honor, may we be heard at sidebar?

2 THE COURT: Sure.

3 MR. MACURDY: To the extent that counsel is going to  
4 read any of this into the record, I object as hearsay.

5 MR. LISBOA: I'm not going to read it.

6 THE COURT: He can't read it. It's not in evidence.

7 MR. MACURDY: Thank you, your Honor.

8 By MR. LISBOA:

9 Q. I just ask you to take a look at these three pages,  
10 Agent.

11 And, first of all, let me ask you, there is numbers to  
12 the left, on the left column; is that right?

13 A. Yes.

14 Q. Okay. And then it will show whether it's call, SMS  
15 message; is that right?

16 A. Yes.

17 Q. And then it will also show outgoing and incoming; is that  
18 right?

19 A. That's correct.

20 Q. And then next to that, we have a date?

21 A. Yes.

22 Q. And a time?

23 A. Yes.

24 Q. Okay. And then towards the middle of the document, it  
25 shows the person to whom it was going to, right? For example,

—BENWELL - CROSS - LISBOA—

1 it will say to Alia, and then a phone number; is that right?

2 A. That's right.

3 Q. Or if it's from, meaning it would be going out; is that  
4 right?

5 A. Correct.

6 Q. Okay. With regard to these three pages, is this a fair  
7 and accurate copy of the three pages from the extraction that  
8 was done on Mary's phone?

9 A. I have never seen these three particular pages. I didn't  
10 review every single document of the extraction. It was quite  
11 lengthy. I have no reason to dispute it.

12 Q. Okay. Well, let me ask you this: Didn't you think it  
13 was important to look at the text messages that Mary was  
14 sending to other individuals?

15 A. Yes.

16 Q. Specifically, to determine whether or not her  
17 communication was somehow obstructed or -- you didn't think  
18 that was important?

19 A. I think that would be important.

20 Q. Can I ask you to take a look at these three pages for me?

21 (Short pause.)

22 MR. LISBOA: Judge, I would like to seek to move this  
23 evidence before the jury.

24 THE COURT: How many pages is this?

25 MR. LISBOA: Three pages, Judge.

—BENWELL - CROSS - LISBOA—

1 THE COURT: Three pages? Any objection?

2 MR. MACURDY: Yes, your Honor.

3 THE COURT: Want to be heard at sidebar?

4 MR. MACURDY: Yes, your Honor. Thank you.

5 (Sidebar)

6 MR. MACURDY: This is text messages from the victim,  
7 so it's hearsay.

8 THE COURT: It's not being offered for the truth of  
9 any statement. It's being offered to show that she was  
10 sending a lot of text messages and receiving a lot of text  
11 messages during the time frame when she was a captive of the  
12 defendant, correct?

13 MR. LISBOA: Correct.

14 THE COURT: That's all it's there for. So it's not  
15 hearsay. It's not being offered for the truth of anything and  
16 I don't even think it says what's in those text messages.

17 MR. MACURDY: It does, it has content.

18 MR. LISBOA: It has content.

19 MR. MACURDY: He's seeking to admit out-of-court  
20 statements for the content of these particular text messages  
21 of the victim in contact with someone that the defendant put  
22 her in contact with in Sri Lanka to get a passport -- to get a  
23 birth certificate.

24 THE COURT: You can have somebody explain all of  
25 that. Your objection is one of hearsay. It's not hearsay

—BENWELL - CROSS - LISBOA—

1 because it's not being offered for the truth. It's being  
2 offered to show that she had access to texting

3 So I'm going to overrule the objection.

4 MR. MACURDY: My second objection is this particular  
5 witness said that he has not seen these before.

6 THE COURT: So you have an authenticity objection?

7 MR. MACURDY: Yes. I have no problem with these  
8 being shown to the victim herself, I intend to do it myself,  
9 but --

10 THE COURT: You're going to show these messages to  
11 your witness?

12 MR. MACURDY: Or ask her about them.

13 THE COURT: Then why are we worrying about  
14 authenticity? If you're going to use it, then do we really  
15 need to object on that basis? If everybody agrees that's what  
16 it is and both sides are going to use it, why are we fighting  
17 about authenticity?

18 MR. MACURDY: Understood, your Honor.

19 THE COURT: Overruled.

20 Let's go.

21 (Open Court)

22 THE COURT: D-252.1 is received in evidence, and if  
23 you want, you may display it.

24 MR. LISBOA: Thank you, Judge.

25 (DEFENDANT EXHIBIT 252.1 WAS RECEIVED IN EVIDENCE.)

BENWELL - CROSS - LISBOA

1 (Document was published.)

2 BY MR. LISBOA:

3 Q. Agent, I'm asking you to take a look at that record for  
4 us. Okay?

5 First of all, these messages are in English; is that  
6 right?

7 A. Yes.

8 Q. And the other text messages that we previously discussed  
9 today and also you testified to yesterday were in English; is  
10 that right?

11 A. That's correct.

12 Q. Okay. Both from Mary; is that right?

13 A. Yes.

14 Q. Okay. And other individuals, including Alia; is that  
15 right?

16 A. That's right.

17 Q. So you were able to read them; is that right?

18 A. Yes.

19 Q. Okay. Now, I ask you to take a look specifically at

20 Line 6967, it's towards the top. You have an instant message,  
21 is that right, incoming?

22 A. Correct.

23 Q. Move over.

24 July the 16th, 2018; is that right?

25 A. Yes.



—BENWELL - CROSS - LISBOA—

1 Q. And it appears to be from an individual with the long  
2 phone number; is that right?

3 A. Yes.

4 Q. And looks like, I, guess that's Samanta, S-A-M-A-N-T-A.

5 Do you see that?

6 A. Yes.

7 Q. And that's one of the same names that's in the contact  
8 list; is that right?

9 A. I believe so.

10 Q. Okay. And, again, you didn't call this number or speak  
11 to this individual; is that right?

12 A. I did not personally speak to that individual.

13 Q. Okay. And here we see a discussion, a text message  
14 discussion, back and forth from Mary to this person, Samanta;  
15 is that right?

16 A. Yes.

17 Q. And do you know the country code of that phone number?

18 A. No, I don't.

19 Q. Actually, go to page -- the second page on the document,  
20 specifically, from 6939, 6950. Do you see that whole  
21 colloquy, text colloquy back and forth?

22 A. Yes. From 6 --

23 Q. Yes, from 640 [sic] down to I think it's 6950.

24 A. All right. 6940 to 6950, yes.

25 Q. Okay. And you see that colloquy that looks like Mary and

—BENWELL - CROSS - LISBOA—

1 this Samanta person are talking about "How is life in the  
2 States?"

3 A. Yes.

4 Q. Okay. And do you see Line 6950?

5 A. Yes.

6 Q. Okay. And that's an outgoing message. It's an instant  
7 message they call that; is that right?

8 A. That's correct.

9 Q. Now, how would an instant message differ from a regular  
10 text message, if you know?

11 A. I don't know if I could -- if I could answer that.

12 Q. Would this be, for example, on the IMO app, Whatsapp?

13 A. I wouldn't know by looking at it what app it's from.

14 Q. Okay. But can we agree that at that line it appears to  
15 be an outgoing message with Mary saying "I am happy here?"

16 A. Yes.

17 Q. And, again, you didn't have any discussion with -- you  
18 didn't call this person; is that right?

19 A. That's correct.

20 MR. LISBOA: All right. Ms. Reed, if I could ask for  
21 your assistance again to show Exhibit 105.1.

22 (Document was published.)

23 BY MR. LISBOA:

24 Q. Agent, I ask you to take a look at Exhibit 105.1,

25 Government's Exhibit in evidence. Can you identify all the

—BENWELL - CROSS - LISBOA—

1 individuals in this picture?

2 A. I can identify the defendant and Mary.

3 Q. Okay. The tall man standing there, do you know who that  
4 is?

5 A. No, I don't know who he is.

6 Q. How about the child?

7 A. I don't.

8 Q. The woman in between Mary and the tall man, who is that?

9 A. I don't know.

10 Q. Do you know if your agents ever told you who these  
11 individuals were?

12 A. I don't know who those individuals are.

13 MR. LISBOA: Okay. If I could ask Ms. Reed to turn  
14 to page -- sorry -- Government's Exhibit 105.2.

15 (Document was published.)

16 BY MR. LISBOA:

17 Q. Okay. And with regard to 105.2, Government's Exhibit in  
18 evidence, with regard to this particular picture, who do you  
19 recognize in this picture?

20 A. I recognize Mary.

21 Q. Okay. The children, you don't recognize them?

22 A. I believe they look like the defendant's children, the  
23 one seated, but I didn't have a lot of face-to-face time with  
24 her children at the time of the search warrant.

25 Q. So, just so I understand correctly, when you go into the

—BENWELL - CROSS - LISBOA—

1 house, at Teal Drive, I think it is, the kids are in the  
2 house?

3 A. Yes, they were.

4 Q. And what -- what were you wearing?

5 A. I was wearing police gear.

6 Q. Meaning like did you have like a uniform, like blues on,  
7 or did you have like a bulletproof vest on with guns?

8 A. Yes, I had -- I had police markings on.

9 Q. Okay. You had a gun?

10 A. Yes.

11 Q. How many guns did you have?

12 A. One.

13 Q. How about the other agents that were there?

14 A. I believe they all had one gun.

15 Q. Okay. So you knew that there was kids in the house?

16 A. Yes.

17 Q. Did you knock on the door?

18 A. Yes, we knocked.

19 Q. Okay. Who opened the door?

20 A. Mary.

21 Q. Okay. And then you went in the house; is that right?

22 A. Yes.

23 Q. Where were the kids when you went in the house?

24 A. When we went in, the -- I believe the children were

25 getting ready for school, having breakfast. There were two

—BENWELL - CROSS - LISBOA—

1 agents that dealt primarily with Mary and the kids. The rest  
2 of us basically stayed to the side so as not to overwhelm  
3 them.

4 Q. Okay. But they started crying; is that right?

5 A. I don't recall.

6 Q. Okay. Do you recall who was trying to console them and,  
7 you know, give them the okay, everything is going to be okay?

8 A. I believe there was a male and a female agent that dealt  
9 with them. They -- the children, from what I could tell,

10 seemed -- didn't seem to be in too much distress. They  
11 seemed --

12 Q. They were happy?

13 A. I wouldn't say they were happy, but I don't recall them  
14 crying.

15 Q. Okay. Now, did you -- well, you said you haven't met  
16 Ms. al Hunaity; is that right?

17 A. Correct.

18 Q. Who arrested her? I mean put the cuffs on her.

19 A. I believe that was Agent Conyers.

20 Q. Okay. Was Mary ever cuffed when you were there?

21 A. I don't believe so, but I don't recall.

22 Q. Okay. What portion of any of that did the kids see?

23 A. I don't believe they saw any of it.

24 Q. Okay. Did you interview them?

25 A. I -- no, I did not interview them.

—BENWELL - CROSS - LISBOA—

1 Q. Do you know if Homeland Security ever interviewed the  
2 children?

3 A. No, I don't know if that ever happened.

4 Q. So you don't actually know what they saw; is that right?

5 A. I was in the house with them, so I don't believe they  
6 would have seen the arrest take place.

7 Q. Okay. Now, the exhibit that's currently before you, do  
8 you know where that picture was taken?

9 A. I can't tell from that angle where it was taken.

10 Q. And, by the way, when you arrived on the 18th, do you  
11 know if Mary had stayed overnight from the 17th?

12 A. I don't know.

13 Q. How about the 16th, do you know if she stayed overnight  
14 the 16th?

15 A. I don't know.

16 Q. The 15th?

17 A. I don't.

18 Q. The 14th?

19 A. I don't.

20 MR. LISBOA: Okay. If I could ask Ms. Reed to show  
21 us again Government's Exhibit 105.3.

22 (Document was published.)

23 BY MR. LISBOA:

24 Q. Agent, I ask you to take a look at that picture. With  
25 regard to that particular picture, do you know who's depicted

—BENWELL - REDIRECT - MACURDY—

1 there?

2 A. Mary is on the right. I don't know the other individual  
3 in the photo.

4 Q. Do you know where that picture was taken?

5 A. No, I don't.

6 Q. Can we agree that that looks like it's at some sort of a  
7 restaurant?

8 A. Yes.

9 MR. LISBOA: Nothing further, Judge. Thank you.

10 THE COURT: Any redirect?

11 MR. MACURDY: Just two questions, your Honor.

12 (REDIRECT EXAMINATION OF BRADLEY JAMES BENWELL BY

13 MR. MACURDY:)

14 MR. MACURDY: Ms. Reed, could you pull up Exhibit  
15 302.3?

16 BY MR. MACURDY:

17 Q. Whose car is that, Special Agent Benwell?

18 A. That's the defendant's car.

19 Q. And what car was she getting into when she was arrested  
20 on September 18th, 2018?

21 A. That vehicle.

22 MR. MACURDY: Nothing further, your Honor.

23 THE COURT: Any recross?

24 MR. LISBOA: Nothing, Judge. Thank you.

25 THE COURT: Ladies and gentlemen, it's time for our

1 We certify that the foregoing is a correct transcript from the  
2 record of proceedings in the above-entitled matter.

3

4 /S/ Carl Nami, Official Court Reporter

5 /S/ Carol Farrell, Official Court Reporter

6 /S/ Robert Tate, Official Court Reporter

7

8 Court Reporters/Transcribers

9 May 01, 2019

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